

Joe

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Environmental Engineering and Waste Management

RIEDEL INDUSTRIAL WASTE MANAGEMENT, INC.

A Subsidiary of Riedel Environmental Technologies, Inc.



"Imagineering A Cleaner World"

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PRMT SECTION

August 29, 1991

Mr. Joe Galbraith
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Dear Joe:

As a follow-up to our conversation of August 28, 1991, I am sending to you a written description of my question on the BIF regulations. My question is on the "use solely as an ingredient" clause of the BIF regulations. The corrections which came out last week clarified that "use solely as an ingredient" with the criteria for less than 5000 BTU and less than 500 ppm total Appendix VIII organics includes meeting those criteria after pretreatment.

We already have a similar program in Hannibal at Continental Cement, where we pretreat characteristic wastes in a RCRA treatment unit to render them non-hazardous. The non-hazardous materials are then used in small quantities as substitute raw materials in the feed end of the kiln.

My interpretation, if I follow the RCRA regulations for use of hazardous waste to produce a product, is as follows. If a waste is recycled and is used in a manner constituting disposal (40 CFR 261.6(a)(2)), then Part 266 Subpart C applies. According to 266.20(b), if recyclable materials have undergone a chemical reaction in the course of producing the product and are inseparable by physical means, and the product is used in a manner constituting disposal, then the product must meet the land ban treatment standards of 40 CFR 268. As long as this has occurred and the land ban treatment standards are met, then "the product is not presently subject to regulation".



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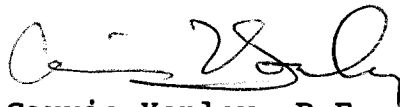
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However, when wastes are used to produce products applied to the land (used in a manner constituting disposal), then the product remains a solid waste (and, therefore, a hazardous waste if it is a listed waste per 40 CFR 261.2(c)(1)). The question is, does 261.2(c)(1) which states that the product remains a solid waste still apply even if the land ban treatment standards are met? If it does, then even though the product would not have to be handled as hazardous waste, would it still carry the waste listing? If it does carry the listing, as per our conversation, it would obviously be very difficult for a cement plant to sell their product.

I am seeking a clarification on the presumed carry-through of waste codes to the product if one uses a waste "solely as an ingredient" under the BIF regulations. We see many possible solutions to waste problems through the "use solely as an ingredient" combined with pretreatment prior to using material in the feed end of the kiln. Unfortunately, if the waste code carry-through would apply to the product, then it would be very difficult to go forward with this program due to the problem with selling the product.

I request clarification on the waste code carry-through to the product in this instance. Your attention to this matter is, as always, appreciated.

Sincerely,



Carrie Yonley, P.E.
Engineering Manager
Lafser & Schreiber, Inc.

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